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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,893	09/23/2003	Peter Schwarze	13914-025001 / 2003P00070	2237
32864 7590 06/22/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER ROSEN, NICHOLAS D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,893	<b>Applicant(s)</b> SCHWARZE ET AL.	
	<b>Examiner</b> Nicholas D. Rosen	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-35 have been examined.

#### ***Claim Objections***

Claims 5, 17, and 29 are objected to because of the following informalities:

Claim 5 recites, "the request includes one or more query items" in the first two lines, but then in the sixth line refers to "the one or more query terms", which technically lacks antecedent basis. For examination purposes, both references are presumed to be to "query terms", which makes more sense. Claims 17 and 29 are parallel to claim 5, and objected to on the basis of parallel inconsistencies. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: Claim 12 recites "said determining", which lacks antecedent basis if claim 12 depends on claim 10 as stated. Claim 12 is therefore presumed to be intended to depend on claim 11, and so treated for examination purposes. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4, 6, 7, 8, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek ("Group Demos Way to Shop Multiple E-Catalogs") in view of official notice. As per claim 1, Dorobek discloses a method comprising: receiving a request for one or more catalog items from a requestor; formatting the request according to a plurality of catalog servers; receiving a response from each of the plurality of catalog servers in a format conforming to the catalog interface protocol; parsing the responses to obtain the results (whole article, especially five paragraphs beginning from, "The Catalog Interoperability Pilot, being tested by 35 users at 11 agencies). Dorobek is not explicit about the plurality of servers, but since sites require servers, and Dorobek discloses "multiple online catalogs" (first paragraph) and "multiple contract and vendor sites" (fifth paragraph), corresponding servers are implied. Dorobek does not expressly disclose each of the responses including results describing one or more catalog items identified in response to the request, but does disclose "demonstrat[ing] the ability to perform a search across multiple catalogs," which implies receiving such results, without which the ability to perform a search across multiple catalogs could not plausibly be called demonstrated. Dorobek does not expressly

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disclose sending the results from the plurality of catalog servers to the requestor, but official notice is taken that it is well known to send search results to requestors. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious and implied advantage of enabling the requestor to act on the results, by comparing products online, and buying from the cheapest or otherwise most appealing vendor.

As per claim 4, Dorobek does not expressly disclose that receiving the request comprises receiving a text string, but official notice is taken that it is well known for receiving a request to comprise receiving a text string (e.g., the name or description of the product requested). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for receiving the request to comprise receiving a text string, for the obvious advantage of specifying the product requested.

As per claim 6, Dorobek, from the nature of catalog search requests, implies data identifying attributes of catalog items, but does not disclose such data being in a plurality of fields. However, official notice is taken that it is well known for data to be in a plurality of fields (e.g., fields regarding different requested characteristics, such as size, color, price, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the data identifying attributes of catalog items to be in a plurality of fields, for the obvious advantage of separating and making clear the different requested characteristics of the product being searched for.

As per claim 7, Dorobek does not expressly disclose that sending the formatted request comprises connecting to a catalog server including a catalog database, but does, as set forth in the rejection of claim 1 above, disclose online catalogs, which implies catalog servers with catalog databases, and sending the request would require connecting to the appropriate catalog server at some point in time.

As per claim 8, Dorobek does not expressly disclose that receiving the plurality of responses comprises receiving a plurality of HTML pages, but official notice is taken that it is well known for online catalog responses to include HTML pages. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for receiving the plurality of responses to comprise receiving a plurality of HTML pages, as an obvious consequence of the functioning of online catalogs.

As per claim 9, Dorobek does not expressly disclose that receiving the plurality of responses comprises receiving a plurality of XML pages, but official notice is taken that it is well known for online catalog responses to include HTML or XML pages; and Dorobek discloses the use of XML (paragraph beginning "The pilot uses the Extensible Markup Language"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for receiving the plurality of responses to comprise receiving a plurality of XML pages, as an obvious consequence of the functioning of online catalogs.

As per claim 10, given that at least one of the catalog servers sends results to the requestor, which is implied by Dorobek, at least if a search has any success, it

would have been obvious to one of ordinary skill in the art of electronic commerce for one of the catalog servers to parse the request according to the catalog interface protocol, generate the response describing one or more catalog items identified in response to the request, and return the response, as requisite for the described program to function.

As per claim 11, Dorobek teaches determining a plurality of catalogs, and therefore presumably of catalog servers, available to the requestor (there are three; paragraph beginning, "The pilot integrates three catalogs").

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 1 above, and further in view of Van Etten et al. (U.S. Patent 7,047,211). As per claim 2, Dorobek does not expressly disclose displaying the results in a single display screen, but Van Etten discloses, after a search that may involve multiple databases at multiple servers, presenting a buyer with a "search screen for those products that match the search criteria found in those catalogs" (column 7, lines 50-64). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display the results in a single display screen, for the obvious advantage of enabling the requestor to readily see and compare the results.

As per claim 5, Dorobek does not expressly disclose that the request includes one or more query items, but that follows from the nature of a search request. Also, given a plurality of online catalogs being searched, generating a plurality of formatted requests follows. Dorobek does not disclose that each formatted result includes a URL

for one of the plurality of catalog servers, but Van Etten teaches search requests formatted with the search criteria in a URL query string, whereby the one or more query terms are in one or more fields according to a catalog interface protocol (column 7, line 65, through column 8, line 3). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for each formatted request to include a URL for one of the plurality of catalog servers and the one or more query terms in one or more fields according to the catalog interface protocol, for the obvious and implied advantage of inputting search requests in a standard and well known ("typical") manner, acceptable to many catalog servers.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 1 above, and further in view of Dan et al. (U.S. Patent Application Publication 2002/0138379). Dorobek does not disclose that the catalog interface protocol comprises the Open Catalog Interface (OCI) protocol, but Dan teaches using the Open Catalog Interface (paragraph 42). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the catalog interface protocol to comprise the Open Catalog Interface (OCI) protocol, as a known and standard way to facilitate transactions.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 11 above, and further in view of Mendelson ("Innovative Software GmbH: Java Booster"). Dorobek does not disclose that said determining (a plurality of catalog servers available to the requestor) comprises determining proxy settings of a browser used by the requestor, but it is well known for

the proxy settings of a browser to determine which, if any external servers the computer running that browser can interact with, as taught, for example, by Mendelson (second paragraph). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for said determining to comprise determining proxy settings of a browser used by the requestor, as an obvious consequence of the ability of the requestor's computer to interact with servers, or not, according to said proxy settings.

Claims 13, 16, 18, 19, 20, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek ("Group Demos Way to Shop Multiple E-Catalogs") in view of official notice. Claims 13, 16, 18, 19, 20, 21, and 22 are parallel to claims 1, 4, 6, 7, 8, 9, and 11, respectively, and rejected on essentially the same grounds set forth above. Moreover, Dorobek does not disclose a machine-readable medium including machine-executable instructions operative to cause a machine to perform the steps recited, but official notice is taken that machine-readable media containing instructions for computers are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such a medium, for the obvious advantage of causing a computer to perform the desired operations.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Van

Etten et al. (U.S. Patent 7,047,211). Claims 14 and 17 are closely parallel to claims 2 and 5, respectively, and rejected on essentially the same grounds set forth above.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Dan et al. (U.S. Patent Application Publication 2002/0138379). Claim 15 is closely parallel to claim 3 and rejected on essentially the same grounds set forth above.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Mendelson ("Innovative Software GMBh: Java Booster"). Claim 23 is closely parallel to claim 12 and rejected on essentially the same grounds set forth above.

Claims 24, 25, 28, 30, 31, 32, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek ("Group Demos Way to Shop Multiple E-Catalogs") in view of official notice. Claims 24, 28, 30, 31, 32, 33, and 34 are parallel to claims 1, 4, 6, 7, 8, 9, and 11, respectively, and rejected on essentially the same grounds set forth above.

As per claim 25, Dorobek does not disclose that the client includes a browser operative to communicate with the catalog search agent over a Web portal, but official notice is taken that it is well known for clients to include browser operative to communicate with various site, including, e.g., search engines, over Web portals. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the client to include a browser

operative to communicate with the catalog search agent over a Web portal, for at least the obvious advantage of enabling clients remote from the catalog search agent to make use of it.

Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Van Etten et al. (U.S. Patent 7,047,211). Claims 26 and 29 are closely parallel to claims 2 and 5, respectively, and rejected on essentially the same grounds set forth above.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Dan et al. (U.S. Patent Application Publication 2002/0138379). Claim 27 is closely parallel to claim 3 and rejected on essentially the same grounds set forth above.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorobek and official notice as applied to claim 13 above, and further in view of Mendelson ("Innovative Software GMBh: Java Booster"). Claim 35 is closely parallel to claim 12 and rejected on essentially the same grounds set forth above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neal et al. (U.S. Patent 6,324,534) disclose a sequential subset catalog search engine. Viswanath et al. (U.S. Patent Application Publication 2003/0177070) disclose line item approval processing in an electronic purchasing system and method (note paragraph 15). Fushimi et al. (U.S. Patent Application

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Publication 2004/0148232) disclose an electronic catalog aggregation apparatus.

Bailey et al. (U.S. Patent Application Publication 2005/0234888) disclose a database system facilitating textual searching.

Johnson et al. (EP 0 697 669 A2) disclose an electronic sourcing system and method. Kim et al. (KR-2002-0066719 A) disclose a system for discriminating and sharing an electronic catalogue and method thereof.

Etzioni ("The World Wide Web: Quagmire or Gold Mine?") and the anonymous articles, "Lexmark Joins E-Commerce Pilot to Give Customers Easier and Better Way to Compare Products on the Web," "Intelisys Partners with Mercado Software to Offer Intuitive Search Across Multi-Supplier Catalogs without the Need for Normalization," "EasyAsk Breaks the Search Barrier; Early Adopter Is Building a Distributed E-Commerce Supplier Network," "Easy Spirit Adopts e7th's Secure Online Wholesale Transaction Technology; Nine West's Largest Brand Becomes 34<sup>th</sup> Retailer in e7th's Multi-vendor Catalog," "SPS Commerce Launches B-to-B Catalog Synchronization Capabilities to Increase Supply Chain Efficiencies," and "Convera and PartNET Selected by Department of Defense EMALL; Improved Site Eases Use by Providing Seven Advanced Search Options," disclose consolidation and/or searching of catalogs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

June 14, 2007